

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

STUDENTS FOR JUSTICE IN PALESTINE AT
THE UNIVERSITY OF HOUSTON, ET AL.,

Plaintiffs,

v.

GREG ABBOTT, ET AL.,

Defendants.

Civil Action No. 1:24-cv-00523

Hon. Judge Robert Pitman

**MOTION OF THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER
LAW FOR LEAVE TO FILE A BRIEF AS *AMICUS CURIAE* IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT
AND DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

The Louis D. Brandeis Center for Human Rights Under Law (the “Brandeis Center”) respectfully moves for leave to file a brief as *amicus curiae* in support of the motion to dismiss and the opposition filed by Defendants Greg Abbott, the University of Houston, the UH System Board of Regents and its members, Rene Khator, and the University of Texas System Board of Regents and its members (collectively, “the Texas Defendants”) in response to Plaintiffs’ amended complaint and motion for a preliminary injunction, respectively. The proposed amicus brief is attached as Exhibit A.

Counsel for The Brandeis Center conferred with counsel for Defendants and counsel for Plaintiffs regarding this Motion. Defendants are not opposed to the relief sought in the Motion. Plaintiffs indicated that they had no position regarding the relief requested in the Motion. As a result, and because Plaintiffs did not communicate any opposition to the Motion, the Brandeis Center asks that it be treated as unopposed by all parties to this action.

“The extent to which the court permits amicus briefing lies solely with the court’s discretion.” *Cazorla v. Koch Foods of Miss., LLC*, No. 10-cv-135, 2014 WL 2163151, at *3 (S.D. Miss. May 23, 2014) (citation omitted). “There are no strict prerequisites that must be established prior to qualifying for amicus status.” *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990). “Generally, courts have exercised great liberality in permitting an amicus curiae to file a brief in a pending case,” *id.*, looking to whether “the proffered information is ‘timely and useful’ or otherwise necessary to the administration of justice,” *Does 1-7 v. Round Rock Indep. Sch. Dist.*, 540 F. Supp. 2d 735, 739 n.2 (W.D. Tex. 2007) (citation omitted). The Brandeis Center’s proffered *amicus* brief meets this standard.

First, the Brandeis Center’s proffered *amicus* brief is timely. “While no rule specifically governs amicus status in district court proceedings, courts typically apply Rule 29 of the Federal

Rules of Appellate Procedure.” *Mississippi v. Becerra*, No. 22-cv-113, 2023 WL 5668024, at *7 (S.D. Miss. July 12, 2023). Rule 29 requires *amicus curiae* to file its brief “no later than 7 days after the principal brief of the party being supported is filed.” Fed. R. App. P. 29(a)(6). Here, the Brandeis Center is filing this motion and proffered brief one day after the filing of the Texas Defendants’ motion to dismiss Plaintiffs’ amended complaint and opposition to Plaintiffs’ motion for a preliminary injunction, leaving Plaintiffs ample time to review and respond to the brief.

Second, the Brandeis Center’s proffered brief is useful to the Court. The Brandeis Center is an independent, non-partisan institution for public interest advocacy, research, and education. The Brandeis Center’s mission is to advance the civil and human rights of the Jewish people and to promote justice for all. The Brandeis Center’s education, research, and advocacy focus specifically, though not exclusively, on the problem of anti-Semitism on college and university campuses. In fulfilling its mission, the Brandeis Center emphasizes the importance of clear, comprehensive, and specific anti-discrimination policies for government entities through the United States, including in Texas. The Brandeis Center publishes guidance documents for organizations seeking to adopt uniform definitions of anti-Semitism. The Brandeis Center’s attorneys also advise and represent students in higher education who have been victims of anti-Semitic conduct in violation of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. §§ 2000d to 2000d-4a).

As detailed more fully in its proffered brief, the Brandeis Center seeks to provide the Court with important factual and legal background to assist the Court in evaluating Plaintiffs’ claims. Plaintiffs seek to enjoin the Texas Defendants from enforcing GA-44, an executive order designed to protect Jewish students on the campuses of Texas institutions of higher education, including by clarifying what activity is—or is not—anti-Semitic. Core to Plaintiffs’ claims is their opposition

to GA-44's requirement that Texas institutions of higher education adopt the International Holocaust Remembrance Alliance's definition of anti-Semitism (the "IHRA Definition") into their free speech policies. The Brandeis Center's proffered brief addresses these issues by providing detailed factual and historical background relevant to (i) the IHRA Definition; (ii) the IHRA Definition's broad-based support in the United States and abroad; and (iii) the ways in which the IHRA Definition is critical to stem the tide of anti-Semitism experienced by Jewish students on college campuses today, without infringing on free speech rights. Accordingly, the Brandeis Center's brief will assist the Court in understanding and evaluating Plaintiffs' claims.

For the forgoing reasons, the Brandeis Center respectfully requests that the Court grant this motion for leave to participate as *amicus curiae* and accept the proposed amicus brief, which is attached as Exhibit A to this motion.

Dated: August 20, 2024

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(G), the undersigned hereby declares that counsel for the Brandeis Center has conferred with counsel for both Plaintiffs and Defendants. Defendants are not opposed to the relief sought in the Motion. Plaintiffs indicated that they had no position regarding the relief requested in the Motion. As a result, and because Plaintiffs did not communicate any opposition to the Motion, The Brandeis Center asks that it be treated as unopposed by all parties to this action.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 20, 2024, a copy of the above was served on all parties of record via CM/ECF.

/s/ Jared Eisenberg
Jared Eisenberg